

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

|   |   |                        |
|---|---|------------------------|
| ALESSANDRO BERNI, GIUSEPPE                | ) |                        |
| SANTOCHIRICO, MASSIMO SIMIOLI, and        | ) |                        |
| DOMENICO SALVATI, on behalf of themselves | ) | Case No. 1:16-cv-04196 |
| and all others similarly situated,        | ) |                        |
|   | ) |                        |
| Plaintiffs,                               | ) |                        |
|   | ) |                        |
| v.  | ) |                        |
|   | ) |                        |
| BARILLA G. e R. FRATELLI, S.p.A., and     | ) |                        |
| BARILLA AMERICA INC. d/b/a BARILLA        | ) |                        |
| USA,                                      | ) |                        |
|   | ) |                        |
| Defendants.                               | ) |                        |

**NOTICE OF MOTION  
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, the Joint Declaration of Daniella Quitt and Ronen Sarraf (and the exhibits attached thereto, including the Settlement Agreement<sup>1</sup>), Plaintiffs will move this Court before the Honorable Steven L. Tiscione, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, on December 17, 2018, at 2 p.m., or at such date and time as the Court may direct, for an Order pursuant to Fed. R. Civ. P. 23, in the form substantially similar to Exhibit E to the Settlement Agreement, that: (1) grants final approval of the Settlement as fair, reasonable, and adequate; (2) confirms certification of the Class for the purpose of the Settlement and continuing the appointment of Plaintiffs as representatives of the Class and their counsel as

<sup>1</sup> Unless otherwise set forth, all capitalized terms used herein have the meanings ascribed to them in the Class Action Settlement Agreement, filed with the Court on April 25, 2018 (the “Settlement Agreement”), Docket Entry (“DE”) 55-1.

Class Counsel; and, (3) approves the fee and expense award, as well as the Case Contribution Awards to the Plaintiffs.

The Parties' proposed Order (previously filed as Exhibit E to the Settlement Agreement) is being filed concurrently herewith.

Dated: November 2, 2018

Respectfully submitted,

**GLANCY PRONGAY & MURRAY LLP**

/s/ Daniella Quitt

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